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12 *Attorneys for Defendant,
13 Smart Industries Corporation*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

11 WESCO INSURANCE COMPANY as subrogee
12 of its insured NICKELS AND DIMES
INCORPORATED,

13 Plaintiff,

14 | VS.

15 SMART INDUSTRIES CORPORATION dba
16 SMART INDUSTRIES CORP., MFG., an Iowa
corporation.

17 Defendants.

Case No.: 2:16-cv-01206-JCM-EJY

**CONSOLIDATED FOR PURPOSES OF
DISCOVERY AND TRIAL**

Case No.: 2:16-cv-02378-JCM-EJY

JENNIFER WYMAN, individually; BEAR
WYMAN, a minor, by and through his natural
parent JENNIFER WYMAN; JENNIFER
WYMAN and VIVIAN SOOF, as Joint Special
Administrators of the ESTATE OF CHARLES
WYMAN; and SARA RODRIGUEZ natural
parent and guardian ad litem of JACOB WYMAN,

Plaintiffs,

25 | VS.

24 SMART INDUSTRIES CORPORATION dba
25 SMART INDUSTRIES CORP., MFG, an Iowa
26 Corporation; HI-TECH SECURITY INC, a
27 Nevada Corporation; WILLIAM ROSEBERRY;
28 BOULEVARD VENTURES, LLC, a Nevada
Corporation; DOES 1 through 10; BUSINESS
ENTITIES I through V; and ROE
CORPORATIONS 11 through 20, inclusive,

**STIPULATION AND ORDER TO
EXTEND TIME TO FILE A JOINT
PRETRIAL ORDER
(Second Request)**

Defendants.

1 HI-TECH SECURITY INC; and WILLIAM
2 ROSEBERRY,
3 Third-Party Plaintiffs,
4 vs.
5 NICKELS AND DIMES INCORPORATED,
6 Third-Party Defendants.

8 COMES NOW, Plaintiffs, SARA RODRIGUEZ parent and guardian of JACOB WYMAN,
9 by and through their counsel of record, Cliff W. Marcek, Esq and Thomas Schwartz, Esq.; Jennifer
10 Wyman, Bear Wyman and the Estate of Charles Wyman by and through their attorney of record,
11 Tracy A. Eglet, Esq. of EGLET ADAMS LAW OFFICE; Smart Industries Corporation, by and
12 through its attorney of record William H. Pruitt, Esq. and Joseph R. Meservy, Esq. of BARRON AND
13 PRUITT; and Wesco Insurance Company by and through its attorney Peter Duboswky, Esq. and
14 hereby agree and stipulate to extend the time to file the Joint Pretrial Order.

On September 16, 2021, the Honorable Judge James C. Mahan filed a Minute Order stating the parties were to submit a Joint Pretrial Order in compliance with Local Rule 16-4 within 30 days. The Joint Pretrial Order was due October 18, 2021. The parties were granted an extension until November 1, 2021 and have now agreed to extend the deadline another week to November 8, 2021.

The parties have conducted extensive discovery and there are many documents to review. In addition, there have been numerous depositions, written discovery and each side has disclosed expert witnesses. Due to the amount of potential evidence, the parties need more time to prepare and file the Joint Pretrial Order.

The parties are circulating drafts for the joint pretrial order and have made progress since the last extension was granted, but it is unlikely the Joint Pretrial Order will be completed by Monday, November 1, 2021.

The parties above request that the court approve of this stipulation and order giving the parties an additional week to submit the Joint Pretrial Order.

DATED this 29th day of October, 2021.

DATED this 29th day of October, 2021.

/s/ Cliff W. Marcek
 CLIFF W. MARCEK, ESQ.
 Nevada Bar No. 5061
CLIFF W. MARCEK, P.C.
 411 E. Bonneville Ave.
 Las Vegas, Nevada 89101
Attorneys for Plaintiffs
 SARA RODRIQUEZ, parent and guardian
 Of JACOB WYMAN

/s/ Joseph R. Meservy
 WILLIAM H. PRUITT, ESQ.
 Nevada Bar No. 6783
 JOSEPH R. MESERVY, ESQ.
 Nevada Bar No. 14088
BARRON & PRUITT, LLP
 3890 West Ann Road
 North Las Vegas, Nevada 89031
Attorneys for Defendant
 SMART INDUSTRIES CORPORATION

DATED this 29th day of October, 2021.

DATED this 29th day of October, 2021.

/s/ Brittney R. Glover
 TRACY A. EGLET, ESQ.
 Nevada Bar No. 6419
 BRITTNEY R. GLOVER, ESQ.
 Nevada Bar No. 15412
EGLET ADAMS
 400 South Seventh Street, Suite 400
 Las Vegas, Nevada 89101
Attorneys for Plaintiffs
 JENNIFER WYMAN, BEAR WYMAN;
 and
 ESTATE OF CHARLES WYMAN

/s/ Peter Dubowsky
 PETER DUBOSWKY, ESQ.
 Nevada Bar No. 4972
 AMANDA VOGLER-HEATON, ESQ.
 Nevada Bar No. 13609
DUBOWSKY LAW OFFICE, CHTD
 300 South Fourth Street, Suite 1020
 Las Vegas, Nevada 89101
Attorneys for WESCO INSURANCE CO.

IT IS SO ORDERED November 2, 2021.

Xem c. Mahan
 UNITED STATES DISTRICT JUDGE
 JAMES C. MAHAN

Deb Sagert

From: Brittney Glover <bglover@egletlaw.com>
Sent: Friday, October 29, 2021 1:35 PM
To: Deb Sagert; cwmarcek@marceklaw.com; Tracy Eglet; peter@dubowskylaw.com
Cc: Joseph Meservy
Subject: RE: Wesco v. Smart, et al

You have my permission to apply my e-signature.

Thank you,
Brittney

From: Deb Sagert <DSagert@lvnvlaw.com>
Sent: Friday, October 29, 2021 1:21 PM
To: cwmarcek@marceklaw.com; Brittney Glover <bglover@egletlaw.com>; Tracy Eglet <TEglet@egletlaw.com>; peter@dubowskylaw.com
Cc: Joseph Meservy <JMeservy@lvnvlaw.com>
Subject: Wesco v. Smart, et al

Good afternoon. Please see the attached SAO to extend deadline for filing of the Joint Pre-Trial Order. Let me know if you have any changes and also if it is acceptable for us to apply your e-signature. Thank you.

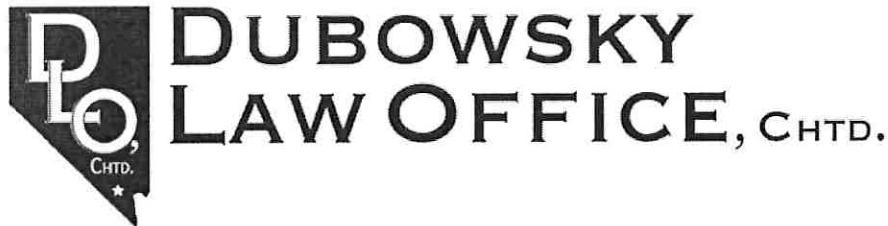
Deborah Sagert | Paralegal
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Deb Sagert

From: Peter Dubowsky <peter@dubowskylaw.com>
Sent: Friday, October 29, 2021 1:43 PM
To: Deb Sagert; cwmarcek@marceklaw.com; bglover@egletlaw.com; teglet@egletlaw.com
Cc: Joseph Meservy
Subject: RE: Wesco v. Smart, et al

You may affix me e-signature.

Peter Dubowsky, Esq.
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From: Deb Sagert
Sent: Friday, October 29, 2021 1:21 PM
To: cwmarcek@marceklaw.com; bglover@egletlaw.com; teglet@egletlaw.com; peter@dubowskylaw.com
Cc: Joseph Meservy
Subject: Wesco v. Smart, et al

Good afternoon. Please see the attached SAO to extend deadline for filing of the Joint Pre-Trial Order. Let me know if you have any changes and also if it is acceptable for us to apply your e-signature. Thank you.

Deborah Sagert | Paralegal
barronpruitt.com | dsagert@lvnylaw.com
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North Las Vegas NV 89031



Deb Sagert

From: Joseph Meservy
Sent: Friday, October 29, 2021 3:50 PM
To: Deb Sagert
Subject: FW: Wyman v. Smart Industries et al, JOINT PRETRIAL MEMO

Joseph R. Meservy, Esq.

Barron & Pruitt, LLP

L A W Y E R S

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From: Joseph Meservy
Sent: Friday, October 29, 2021 11:18 AM
To: 'Brittney Glover' <bglover@egletlaw.com>; Cliff Marcek <cwmarcek@marceklaw.com>
Cc: MaryAnn Dillard <MDillard@lvnvlaw.com>; dcoil@ggrmlawfirm.com; peter@dubowskylaw.com; Kiera Buckley <kbuckley@egletlaw.com>; tschwartz@hollaranlaw.com
Subject: RE: Wyman v. Smart Industries et al, JOINT PRETRIAL MEMO

Thanks, we will circulate a stipulation today to extend the date to submit the Joint Pretrial Memo.

Sincerely,

Joseph R. Meservy, Esq.

Barron & Pruitt, LLP

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From: Brittney Glover [mailto:bglover@egletlaw.com]
Sent: Friday, October 29, 2021 11:00 AM
To: Cliff Marcek <cwmarcek@marceklaw.com>; Joseph Meservy <JMeservy@lvnvlaw.com>
Cc: MaryAnn Dillard <MDillard@lvnvlaw.com>; dcoil@ggrmlawfirm.com; peter@dubowskylaw.com; Kiera Buckley <kbuckley@egletlaw.com>; tschwartz@hollaranlaw.com
Subject: RE: Wyman v. Smart Industries et al, JOINT PRETRIAL MEMO

I do not have an objection.

From: Cliff Marcek <cwmarcek@marceklaw.com>
Sent: Friday, October 29, 2021 10:59 AM
To: Joseph Meservy <JMeservy@lvnvlaw.com>
Cc: Brittney Glover <[bglover@egletlaw.com](mailto:mailto:bglover@egletlaw.com)>; MaryAnn Dillard <MDillard@lvnvlaw.com>; dcoil@ggrmlawfirm.com;

peter@dubowskylaw.com; Kiera Buckley <kbuckley@egletlaw.com>; tschwartz@holloranlaw.com
Subject: Re: Wyman v. Smart Industries et al, JOINT PRETRIAL MEMO

I am not in the office today. If there is an agreement to extend the date to submit the JPO, I will agree.

Cliff W. Marcek
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